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SERIES I No. 7

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**Note:-** There are four Extraordinary issues to the Official Gazette Series I No. 6 dated 11-5-2006 as follows:-

- (a) Extraordinary dated 12-5-2006 from pages 99 to 100 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).
- (b) Extraordinary No. 2 dated 12-5-2006 from pages 101 to 102 regarding Notification from Department of Transport.
- (c) Extraordinary No. 3 dated 15-5-2006 from pages 103 to 110 regarding Notifications from Department of Law & Judiciary (Legal Affairs Division), Legislative Secretariat and Dept. of Transport.
- (d) Extraordinary No. 4 dated 15-5-06 from pages 111 to 112 regarding Notification from Dept. of Law & Judiciary (Legal Affairs Division).

### GOVERNMENT OF GOA

#### Department of Law & Judiciary

Legal Affairs Division

#### Notification

10/2/2005-LA/902

The State Emblem of India (Prohibition of Improper Use) Act, 2005 (Central Act No. 50 of 2005), which has been passed by the Parliament and assented to by the President of India on 20-12-2005 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 21-12-2005, is hereby published for general information of the public.

Sharad G. Marathe, Under Secretary (Drafting).

Panaji, 23rd March, 2006.

for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth year of the Republic of India as follows:—

1. *Short title, extent, application and commencement.*— (1) This Act may be called the State Emblem of India (Prohibition of Improper Use) Act, 2005.

(2) It extends to the whole of India, and also applies to citizens of India outside India.

(3) It shall come into force on such as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “competent authority” means any authority competent under any law for the time being in force to register any company, firm, other body of persons or any trade mark or design or to grant a patent;

(b) “emblem” means the State Emblem of India as described and specified in the Schedule to be used as an official seal of the Government.

3. *Prohibition of improper use of emblem.*— Notwithstanding anything contained in any other law for the time being in force, no person shall use the emblem or any colourable imitation thereof in any manner which tends to create an impression that it relate to the Government or that it is an official documents of the Central Government or, as the case may be, the State Government, without the previous permission of the Central Government or of such officer of that Government as may be authorised by it in this behalf.

*Explanation.*— For the purposes of this section, “person” includes a former functionary of the Central Government or the State Governments.

The State Emblem of India (Prohibition of Improper use) Act , 2005

AN

ACT

to prohibit the improper use of State Emblem of India for professional and commercial purposes

4. *Prohibition of use of emblem for wrongful gain.*— No person shall use the emblem for the purpose of any trade, business, calling or profession or in the title of any patent, or in any trade mark or design, except in such cases and under such conditions as may be prescribed.

5. *Prohibition of registration of certain companies, etc.*— (1) Notwithstanding anything contained in any other law for the time being in force, no competent authority shall,—

(a) register a trade mark or design which bears the emblem, or

(b) grant a patent in respect of an invention which bears a title containing the emblem.

(2) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority shall refer the question to the Central Government and the decision of the Central Government thereon shall be final.

6. *General powers of Central Government to regulate use of emblem.*— (1) The Central Government may make such provision by rules as appears to it to be necessary, to regulate the use of the emblem in official seal that is used in offices of the Central Government and the State Governments and their organisations including diplomatic missions abroad, subject to such restrictions and conditions as may be prescribed.

(2) Subject to the provisions of this Act, the Central Government shall have powers—

(a) to notify the use of emblem on stationery, the method of printing or embossing it on demi-official stationery by the constitutional authorities, Ministers, Members of Parliament, Members of Legislative Assemblies, officers of the Central Government and the State Government;

(b) to specify the design of the official seal consisting of the emblem;

(c) to restrict the display of emblem on vehicles of constitutional authorities, foreign dignitaries, Ministers of the Central Government and the State Governments;

(d) to provide for guidelines for display of emblem on public buildings in India, the diplomatic missions and on the buildings occupied by India's consulates abroad;

(e) to specify conditions for the use of emblem for various other purposes including the use for educational purposes and the armed forces personnel;

(f) to do all such things (including the the specification of design of the emblem and its use in the manner whatsoever) as the Central Government considers necessary or expedient for the exercise of the foregoing powers.

7. *Penalty.*— (1) Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or if having been previously convicted of an offence under this section, is again convicted of any such offence, he shall be punishable for the second and for every subsequent offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

(2) Any person who contravenes the provisions of section 4 for any wrongful gain shall be punishable for such offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

8. *Previous sanction for prosecution.*— No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

9. *Savings.*— Nothing in this Act shall exempt any person from any suit or other proceedings which might be brought against him under any other law for the time being in force.

10. *Act to have overriding effect.*— The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or instrument having effect by virtue of such enactment.

11. *Power to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) cases and conditions regulating the use of emblem under section 4;

(b) making rules to regulate the use of the emblem in official seal of the Government and specifying restrictions and conditions relating thereto under sub-section (1) of section 6;

(c) the use of emblem on stationery, design of official seal consisting of emblem and other matters under sub-section (2) of section 6;

(d) authorising officer by general or special order for giving previous sanction for instituting prosecution under section 8; and

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### THE SCHEDULE

[See section 2 (b)]

#### STATE EMBLEM OF INDIA

##### Description and Design

The State Emblem of India is an adaptation from the Sarnath Lion Capital of Asoka which is preserved in the Sarnath Museum. The Lion Capital has four lions mounted back to back on a circular abacus. The frieze of the abacus is adorned with sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening Dharma Chakras. The abacus rests on a bell-shaped lotus.

The profile of the Lion Capital showing three lions mounted on the abacus with a Dharma Chakra in the centre, a bull on the right and a galloping horse on the left, and outlines of Dharma Chakras on the extreme right and left has been adopted as the State Emblem of India. The bell-shaped lotus has been omitted.

The motto "Satyameva Jayate"— Truth alone triumphs— written in Devanagari script below the profile of the Lion capital is part of the State Emblem of India.

The State Emblem of India shall conform to the designs as set out in Appendix I or Appendix II.

#### APPENDIX I



सत्यमेव जयते

Note : — This design is in simplified form and meant for reproduction in small sizes, such as for use in stationery, seals and die-printing.

#### APPENDIX II



सत्यमेव जयते

Note : — This design is more detailed and meant for reproduction in bigger sizes.

#### Department of Mines

##### Notification

5/62/2001/Mines

In exercise of the powers conferred by sub-section (1) and (IA) of Section 15 of the Mines and Minerals (Development and Regulation Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Minor Mineral Concession Rules, 1985, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 2006.

(2) They shall come in to force from the date of their publication in the Official Gazette.



2. **Amendment of rule 5:**— In rule 5 of the Goa Daman and Diu Minor Mineral concession Rules, 1985 (hereinafter called as the "principal Rules"), in the sub-rule (2), in, clause (a), for the words "three hundred", the words "five hundred" shall be substituted.

3. **Amendment of rule 19:**— In rule 19 of the principal Rules, in sub-rule for the expression "lease to the competent Officer, in form "F" the expression "lease to the Competent Officer, in Form "F" and shall be accompanied by renewal fee of Rs. 300/- (Rupees three hundred only)". Shall be substituted.

4. **Amendment of Schedule I:**—For Schedule I appended to the Principal Rules, the following schedule I shall be substituted, namely:—

**"SCHEDULE I**

**Rates of Royalty**

[See Rule 22 (1) (i)]

MINERAL	RATES
(I) (a) Lime stones and its varieties	
(i) When used for lime burning	
(ii) Prepared Lime	
(iii) When used as building stone ballast metal grit, etc.	Rs. 40/- per cubic metre.
(b) Kankar when used for lime burning.	
(c) Lime shells, when used for lime burning.	
(II) Building Stone	
(a) Laterite Chiras	Rs. 15/- per cubic metre.
(b) Laterite rubbles	Rs. 9/- per cubic metre.
(c) Basalt, masonry stones other than laterite chiras and rubbles, metal grit, basalt bolcks.	Rs. 20/- per cubic metre.
(III) Boulder, shingle, gravel, kankar all used for constructional purpose, either by excavation or collection.	Rs. 9/- per cubic metre.

MINERAL	RATES
(IV) (a) Ordinary Sand used for construction purpose, either by extraction or collection.	Rs. 10/- per cubic metre.
(b) Pebbles, and modules of chalcedoni, quartzite stone or flint	Rs. 12/- per cube metre.
(V) Ordinary clay when used for manufacture of tiles	Rs. 5/- per cubic metre
(VI) Murrum, Matti and other coloured matti (not amounting to ochres)	Rs. 5/- per cubic metre
(VII) Brick-earth	Rs. 5/- per cubic metre
(VIII) Ordinary earth	Rs. 5/- per cubic metre

5. **Substitution of Schedule II.**—For Schedule II appended to the Principal Rules, the following schedule II shall be substituted, namely:—

**"SCHEDULE II**

[See Rule 22 (1) (ii)]

Types of Minor Mineral	Rate of dead rent per year	
	For area upto 5 Hectare	For area above 5 Hectare
	Rate per Hectare or part thereof	
(1) Ordinary sand/pebbles/laterite chiras.	Rs. 7500/-	Rs. 1800/-
(2) Basalt/Granite/ /Metal Grit/ /Lime shell.	Rs. 15,000/-	Rs. 3600/-
(3) Brickearth/Matti/ Laterite rubbles/ /Murrum and other minor minerals.	Rs. 5000/-	Rs. 1200/-

By order and in the name of the Governor of Goa.

J. B. Bhingui, Joint Secretary (Mines).

Panaji, 11th May, 2006.